

REMARKS

Claims 1-5 and 11-15 are pending, claims 6-10 have been canceled, claims 1-5 and 11-15 have been examined on the merits, wherein claims 11-15 stand allowed, claim 2 stands as being objected to and claims 1 and 3-5 stand rejected.

The indication of allowable subject matter with respect to claims 2 and 11-15 is appreciated.

Claims 1, 3, 4 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by Yoshio et al. (US 6,215,952). The applicant respectfully traverses this rejection for the following reason(s).

"There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Note that in order for an anticipation rejection to be proper, the anticipating reference must disclose exactly what is claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Note here that the Examiner has not relied on "inherency," accordingly, each and every element must be expressly described in Yoshio et al.

Claim 1 calls for, in part, *determining whether a time, which is necessary for detecting program class data and determining a class, lapses starting from a time when the predetermined mode is converted into the normal playback mode.*

We note here that the Office action fails to make any note of where Yoshio et al. supposedly discloses *detecting program class data and determining a class*. Without such a process in Yoshio et al., then there is clearly no support from maintaining the Examiner's holding that Yoshio et al. discloses a step of *determining whether a time, which is necessary for detecting program class data and determining a class, lapses starting from a time when the predetermined mode is converted into the normal playback mode.*

In the Office action the Examiner refers to Yoshio et al.'s Fig. 15 in support of the rejection, however, Fig. 15 is merely a flow chart showing an execution of a special operation of the information reproducing apparatus in Fig. 12.

Yoshio et al.'s disclosure describes that in Fig. 15, in advance of inputting the operation command by the audience, the system controller 100 reads in the first operation prohibit flag as shown in FIG. 4, which is included in the PGCI data of the control data, and stores it to the memory device such as an internal RAM etc., upon starting the reproduction of each PGC, so that the first operation prohibit flag is obtained in advance. On the other hand, at the time of reproducing each of the VOBUs, in advance of reproducing the substantial video, audio and sub picture information in each of the VOBUs, the system controller 100 reads in the PCI data as shown in FIG. 6 recorded in the navi-pack by the unit of VOBUs, so that the second operation prohibit flag is obtained in a real time manner.

Accordingly, when Yoshio et al.'s reproducing apparatus transitions from a predetermined

mode (no reproduction) to a normal playback mode, the first operation prohibit flag 202 (flags 202a-202e, etc.) included in the PGCI (ProGram Chain Information) data of the control data 11 of a VTS (video title set) is read and stored in memory. This reading and storing of the flag 202 is not based on any time needed to detect program class data and determine a class.

Additionally, claim 1 requires a step of *refusing a special playback key command for any of said special playback modes when the time necessary for determining a program class has not lapsed.*

On page 3 of the Office action the Examiner refers us to steps S11 and S12 of Yoshio et al.'s Fig. 15 and cols. 25-26. Here, the Examiner misinterprets Yoshio et al.'s step S12 stating that a special mode is refused "for a time lapse period, until a flag value "0" {step 12: NO}, is detected, thereby execution of operation step S13, when the flag is detected @ S 13."

There is no "time lapse period" shown in Fig. 15, nor is there any disclosure of a time lapse period.

First, we look to Yoshio et al.'s Figs. 4-5 and find disclosed first operation prohibit flag (set) 202 includes: a first search prohibit flag 202a to prohibit the search operation; a first scan prohibit flag 202b to prohibit the scan operation; a first slow prohibit flag 202c to prohibit the slow reproducing operation; a first reverse prohibit flag 202d to prohibit the reverse operation; and a first pause prohibit flag 202e to prohibit the pause operation etc., in this order.

Second, with respect to Fig. 11, Yoshio et al. discloses in cols. 19-21 a recording apparatus S1 which makes a stamper disk, which becomes a master (i.e. a cutting dye) for the production of an optical disk. Then, by use of this stamper disk, an optical disk as a replica disk, which can be on

sale in the general market, i.e. the DVD 1, can be produced by a replication device not illustrated.

The DVD will have, as part of the data recorded on it, first operation prohibit flag (set) 202. There is no way to change the data recorded on such a DVD. When the DVD is played back on a reproducing apparatus, Fig. 12, the system controller 100 is constructed to store the first operation prohibit flag (refer to FIG. 4) described in the PGCI in advance of reproducing each PGC (program chain). Therefore, it is possible to judge whether or not the special operation of the information reproducing apparatus as for each PGC is prohibited or not, before reproducing the substantial video information etc., within the pertinent PGC. On the other hand, as for the first and second selection prohibit flags (refer to FIG. 9), it is judged whether or not the selection of each stream is prohibited at the time of starting the reproduction of each PGC.

Next, with respect to a reproducing apparatus (Fig. 12) and the applied Fig. 15, it is disclosed that the system controller 100 waits for inputting of the operation command, which indicates the special operation such as the search, the scan, the slow etc., through the input unit 98 by the audience (step S11). Here, when there is the operation input through the input unit 98, the operation command is received (step S11: YES). Then, the system controller 100 refers to the first operation prohibit flag, so as to judge whether the first operation prohibit flag as for the special operation indicated by the operation input is "1 (ON)" or "0 (OFF)" by the unit of each PGC (step S12). If the first operation prohibit flag is "1" (step S12: YES), since the special operation which is operation-inputted for the pertinent cell is prohibited, the flow returns to the step S11 without executing this special operation, **and it waits for the next operation input.** At this time, it is possible that, under the control of the system controller 100, a message such as "Search for prize screen is prohibited !", "Slow reproduction is prohibited here!" or the like is displayed on the display unit 99. On the other hand,

at the step S12, if the first operation prohibit flag is "0" (step S12: NO), since the special operation which is operation-inputted for the pertinent cell is not prohibited, the flow proceeds to a step S13.

In other word, if, at step S11 the audience (user) inputs a special operation command, such as SEARCH, system controller checks the flag 202a to see if it is a "1" or "0". If flag 202a is set to "1", then the search is prohibited. If the user again inputs the SEARCH special operation command, system controller 100 again checks the flag 202a to see if it is a "1" or "0". It will, of course find that flag 202a is set to "1", because there is no means in Yoshio et al. for changing the first operation search prohibit flag 202a from a "1" to a "0".

Now, if, at step S11 the audience (user) inputs a special operation command, such as SCAN, system controller checks the flag 202b to see if it is a "1" or "0". If flag 202b is set to "0", then the scan operation is permitted and executed at step S13.

That is, only those input commands (S11) having a corresponding flag set to "0" will result in a NO result at step S12 in Fig. 15. Those input commands (S11) having a corresponding flag set to "1" will always result in a YES result at step S12 in Fig. 15, and there is no way to change the setting of the first operation prohibit flags 202a-202e.

Further, as set forth in the last feature of claim 1, a special playback key command for **any** of said special playback modes is refused. In Yoshio et al. some of the special playback key commands may be permitted as others are refused. See "Off" and "ON" in Fig. 4.

Accordingly, the rejection of claims 1, 3, 4 and 5 is deemed to be in error and should be withdrawn.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



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